

REMARKS/ARGUMENTS**Request for Reconsideration of finality of the Last Office Action**

The applicant's representative requests that the finality if the rejection be removed, since it was a premature final rejection. A new ground for rejecting claim 8 was provided in the office action, and therefore a final rejection on the first action following a Request for Continued Examination (RCE) was premature. The Examiner cited a new reference, Dieterich (USPN 6,233,278), which was not cited before regarding claim 8. Since a new grounds and new art of record has been cited, final rejection on a first action is not proper under MPEP 706.07(b).

Status of Claims

Claims 1, 8, 11, and 17 have been amended. Claims 21-23 have been canceled. Claims 1-20 are pending.

Rejection under 35 U.S.C. 103(a)

The Examiner rejected claims 1-7 and 9-20 under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (USPN 5,802,361, hereinafter "Wang") in view of Suzuki et al. (USPN 5,883,672, hereinafter Suzuki) in further view of Craven et al. (USPN 5,649,171, hereinafter "Craven").

On page 2 of the Office Action, the Examiner stated that the claims do not recited using the user recorded editing steps for compressing the video. Claims 1, 11, and 17 have been amended accordingly.

It would not be obvious to combine Craven with Wang and Suzuki to obtain compression of video data with an edit track, where the compression accesses the edit track to use data in the edit track during the compression, where the edit track records editing steps made by a user using video editing software. Col. 7, lines 5-20, of Craven teaches an interface software that permits an editor to simultaneously interface with up to 48 controlled video devices such as recorders, switchers, etc. Col. 9, line 46, to col. 10, line 34, of Craven discusses FIG. 1, which shows an editing system according to Craven. Craven teaches an editor that controls a number of video recorders and/or players, where control commands can tell different recorders to play different segment of the same or different video tapes in a specified sequence to provide a video of the

different segments. The section of Craven cited by the Examiner (col. 17, lines 1-10) are useful for allowing a user to later know exactly what occurred during editing and undo the effects if desired. Nothing in Craven or the other cited references discloses or suggests that the recorded edit steps of Craven could be used during compression. The Examiner failed to point out anything that suggests using a user recorded edit track of Craven for compressing video data. The encoding in Suzuki is generated by an apparatus to improve prediction accuracy for compression (See abstract of Suzuki). The code of Craven is code for controlling video tape recorders. For example, col. 8, lines 6 to 34, of Craven describes an apparatus shown in FIG. 8 of Craven which controls the position of a tape. Nothing in the cited references suggests the use of such controls in Craven for compression. In addition, nothing in the cited references suggest an expectation of success for using the code of Craven for compressing, as recited in claims 1, 11, and 17, as amended.

The Examiner stated that it would be obvious to combine Suzuki and Wang with Craven with a motivation to provide an apparatus that operates more efficiently by being able to provide information necessary to reverse undesirable results performed during the editing process. The Examiner failed to point out where it is taught that there is a likelihood of success of using the recorded information of Craven to reverse undesirable results performed during the editing process if the recorded information is used in the compression process. Craven teaches controlling up to 48 serial devices (Craven abstract) and how information is recorded about how the serial devices are used to create a video so that a new video may be "recreated" without an effect to reverse an undesirable result. The applicant's representative does not understand how such information may be used for compression and then used to reverse undesirable results in a compressed video. In addition, Craven's recording of editing steps for "recreating" the video is sufficiently different from using recorded editing steps to compress a video that it would not be obvious to combine Craven with Suzuki and Wang. As a result, the applicant's representative believes that it would not be obvious to combine Suzuki and Wang with Craven. For at least these reasons, claims 1, 11, and 17, as amended, are not anticipated or made obvious by the cited references.

The Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (USPN 5,802,361, hereinafter "Wang") in view of Suzuki et al. (USPN 5,883,672, hereinafter Suzuki) in further view of Craven et al. (USPN 5,649,171, hereinafter "Craven") in further view of Dieterich (USPN 6,233,278). Claim 8 has been amended to more clearly state that the increase bit resolution of quantization is to improve resolution of text provided by the

text information. This is described on page 9, line 28, to page 10, line 11, of the application. Dietrich does not disclose increasing bit resolution of quantization to improve resolution of text, but instead discusses use of text information in the edit track to increase bit resolution provided by the information in an edit track in a textual form. None of the other references remedies this deficiency. For at least these reasons, claim 8, as amended, is not made obvious by the cited references.

Dependent claims 2-7, 9-10, 12-16, and 18-20 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claims, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references.

For example, claims 2 and 12 further recite that the computer readable code uses information in the edit track to determine the bit resolution of quantization for a region defined within the edit track. The Examiner cited col. 21, lines 54-67-col. 22, lines 1-15 and Fig. 10 of Wang as teaching this. Col. 21, lines 54-67-col. 2, lines 1-15 of Wang states that FIG. 10 shows a flowchart of one embodiment of the analysis 209 function of the high level analyzer 123 and that this analysis 209 begins after the high level analyzer 123 has parsed 207 the search inquiry and determined the order evaluating the image attributes and side information file 115. This analysis is for a search of images not for compression of an image as recited in the claims. Nothing in Wang or Suzuki teaches or suggests using an edit track to determine bit resolution of quantization for a region defined within the edit track for compressing the video.

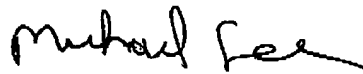
In addition, claims 6, 7, and 16 further recite creating a video track of edited video data and computer readable code for creating at least one edit object in the edit track, wherein the edit object defines a region that has been edited and a type of edit. The Examiner stated that the creating a track of edited video data is shown in FIG. 5h of Wang and that creating at least one object in the edit track is disclosed in Wang, col. 16, lines 53-65, where the object is a rectangle. At col. 14, lines 34-35, Wang states that FIGS. 5 through 9 show an embodiment of a graphic user interface for constructing a search inquiry. Therefore FIG. 5h of Wang and FIG. 5i and 5b, discussed in col. 16, lines 53-65, of Wang, cited by the Examiner do not teach a video editing tool or an edit track, but a tool for generating a search request. In addition, col. 16, lines 32-46, of Wang describes FIG. 5h as a way of adding or modifying a bookmark to indicate locations in a "video sequence to be edited." The bookmark does not edit the video sequence but merely

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marks locations "to be edited." For at least these reasons, claims 2-7, 9-10, 12-16, and 18-20 are not anticipated or made obvious by the cited references.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 961-8300.

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disadvantageous because "the devices which store and render digital audio files ... may necessarily include displays, which can add to the cost and size of the devices." (See paragraph 0008 of Barile). Barile overcomes these disadvantages by playing the audio title to the user. Specifically, Barile teaches that the "user may then browse and select the files for rendering by listening to the audio titles, without resort to a visual display of the meta-data." (See paragraph 0014 of Barile). As such, claim 29 is patentably distinct from Barile.

Applicant respectfully requests an indication of the allowability of each of the claims now pending. The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

11-21-2005
Date


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